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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,785	06/23/2003	Mark J. Radcliffe	MS1-1459US	9508
22801	7590	04/10/2007		
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER TRAN, MYLINH T	
			ART UNIT	PAPER NUMBER
			2179	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/10/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/10/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary

Application No.

10/601,785

Applicant(s)

RADCLIFFE ET AL.

Examiner

Mylinh Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/23/03</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Objections

Claim 43 is objected to because of the following informalities: the limitation "wherein the user interface generator" appears unclear to the Examiner. Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 52-54 are considered to non-statutory subject matter because the specification at page 19, line 17, defines "computer readable medium" as including intangible media such as signals, carrier waves, transmission, optical waves.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 14-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Janik [US. 2005/0210101].

As to claims 14, 27, 37, 41 and 54, Janik teaches a computer implemented method and corresponding apparatus for receiving a request for media data from a media access client (page 5, 0087); identifying one or more stored media items; identifying one or more stored media lists (page 7, 0136); and providing information regarding the one or more stored media items and the one or more stored media lists to the media access client (page 5, 0090-0092).

As to claims 15 and 53, Janik also teaches categorizing the information regarding the one or more stored media items and the one or more stored media lists (page 5, 0091).

As to claims 16 and 34, Janik teaches the one or more stored media items including audio files (page 4, 0085).

As to claims 17 and 35, Janik also teaches the one or more stored media items including video files (page 5, 0090).

As to claims 18 and 36, Janik further teaches the one or more stored media items including streaming media links (page 17, 0240-0241).

As to claims 19, 42 and 49, Janik teaches the one or more stored media lists including lists of audio files arranged by audio file artist (page 6, 0102).

As to claims 20 and 50, Janik also teaches the one or more stored media lists including lists of audio files arranged by an album associated with the each audio file (page 7, 0136).

As to claims 21 and 51, Janik teaches the one or more stored media

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lists including lists of audio files arranged by a genre associated with the each audio file (page 21, 0271).

As to claims 22 and 30, Janik also teaches identifying one or more stored playlists (page 7, 0136); and providing information regarding the one or more stored playlists to the media access client (page 7, 0136-0137).

As to claim 23, Janik teaches the one or more stored playlists being user-specified playlists (page 10, 0162).

As to claim 24, Janik also teaches identifying one or more media devices (page 10, 0164); and providing information regarding the one or more media devices to the media access client (page 10, 0164-0165).

As to claim 25, Janik teaches the one or more media devices being CD players (page 10, 0164).

As to claim 26, Janik teaches the one or more media devices being DVD players (page 15, 0224).

As to claims 28 and 29, the claims are analyzed as previously discuss with respect to claims 14 and 15.

As to claim 31, Janik also teaches receiving a user selection entered through the user interface (page 6, 0106), wherein the user selection has an associated operation (page 6, 0106-0107); and communicating the associated operation to a media access server (page 6, 0106).

As to claim 32, Janik teaches the media access server performing the associated operation (page 6, 0106).

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As to claim 33, Janik also teaches the associated operation being playing a media item (page 7, 0136).

As to claim 38, the claim is analyzed as previously discuss with respect to claims 14 and 24.

As to claim 39, Janik teaches receiving a request to perform an operation from the media access client; and performing the requested operation (page 8, 0139-0141).

As to claim 40, Janik also teaches performing the requested operation including playing a media item (page 7, 0136).

As to claim 43, Janik teaches a user interface generator coupled to the first media access client (page 8, 0139-0141).

As to claim 44, Janik also teaches a first user interface generator coupled to the first media access client, wherein the first user interface generator generates a first user interface based on information received from the first media access client (page 9, 0149-0150); and a second user interface generator coupled to the second media access client, wherein the second user interface generator generates a second user interface based on information received from the second media access client (page 9, 0149-0152).

As to claim 45, Janik teaches the first user interface including information regarding media items stored in the media database (page 9, 0161).

As to claim 46, Janik also teaches the first user interface including

information regarding media files stored in the media database, media lists stored in the media database, and information regarding the first media device (page 9, 0161, 0167).

As to claim 47, Janik teaches means for identifying at least one media item, at least one media list, and at least one media device; means for storing information regarding the at least one media item, the at least one media list, and the at least one media device (page 5, 0090-0093); means for providing information regarding the at least one media item, the at least one media list, and the at least one media device to a requesting media access client; wherein the means for identifying at least one media item, at least one media list, and at least one media device further performs media-related operations for the requesting media access client (page 5, 0090-0092).

As to claim 48, Janik teaches means for generating a user interface containing information related to the at least one media item, at least one media list, and at least one media device (page 5, 0090-0093).

As to claim 52, the claim is analyzed as previously discuss with respect to claims 14 and 15.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

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WEILUN LO
SUPERVISORY PATENT EXAMINER